

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

JIMMY LYNN KESTLER #888630

V.

NATHANIEL QUARTERMAN, Director  
Texas Department of Criminal Justice,  
Corrections Institutions Division

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CIVIL ACTION NO. G-07-046


**ORDER OF DISMISSAL**

Before the Court for its Order of Acceptance is a Report and Recommendation of the Magistrate Judge, entered on January 30, 2007, which recommends that the Application for Writ of Habeas Corpus of Jimmy Lynn Kestler be dismissed with prejudice. The Report and Recommendation specifically states: "The Petitioner shall have until February 15, 2007, in which to have written objections physically on file in the Office of the Clerk." To date, no objections have been filed.

Upon review pursuant to Rule 72 of the Federal Rules of Civil Procedure, and 28 U.S.C. § 636 (b)(1)(C), the Court is satisfied that there is no clear error on the face of the record in these proceedings and that the Report and Recommendation is a well reasoned and correct application of constitutional law, which is hereby **ACCEPTED** by this Court and incorporated herein, by reference.

It is, therefore, **ORDERED** that the Application for Writ of Habeas Corpus of Jimmy Lynn Kestler is hereby **DENIED** and this cause is **DISMISSED** with prejudice.

**DONE** at Galveston, Texas, this the 27<sup>th</sup> day of February, 2007.

  
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Samuel B. Kent  
United States District Judge